

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Suspension	)	
	)	
of the Teaching Certificate of	)	<b>ORDER OF SUSPENSION</b>
	)	
Elizabeth M. Ward	)	<b>(BREACH OF CONTRACT)</b>
	)	
Certificate #225042	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on February 13, 2008. On September 19, 2007, the South Carolina Department of Education (Department) sent Elizabeth M. Ward notice of her right to a hearing regarding the possible suspension of her South Carolina educator certificate by regular and certified mail, return receipt requested, delivery restricted to addressee. Ms. Ward received the notice on October 4, 2007, as evidenced by a postal receipt bearing her signature. On October 16, 2007, Ms. Ward's attorney sent a letter of representation to the Department. Her attorney advised the Department that Ms. Ward desired to have a hearing in this matter. On November 9, 2007, the Department sent notice to Ms. Ward and Lexington County School District Two (District) that the hearing was scheduled for December 5, 2007. John J. Fantry, Jr., Esquire, served as the Hearing Officer. Following the hearing, Mr. Fantry prepared a Hearing Officer's Report that was presented to the State Board. After hearing the information presented by Mr. Fantry, the State Board voted to suspend Ms. Ward's educator certificate for a period of 60 days, commencing December 5, 2007 and ending February 4, 2008.

**FINDINGS OF FACT**

This case concerns a formal complaint by the District seeking the suspension of the educator certificate of Elizabeth M. Ward. The State Board of Education has jurisdiction of this matter pursuant to S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004).

Ms. Ward holds an initial South Carolina educator certificate and has less than one year of teaching experience. On May 19, 2007, Ms. Ward signed a contract with the District for the 2007-2008 school year. She was assigned to a full-time position as a Speech/Language Therapist at Airport High School and Fulmer Middle School. On June 20, 2007, Ms. Ward requested to be released from the contract because she had accepted a position at the Medically Fragile Children's Program. On June 25, 2007, the District notified Ms. Ward that her resignation as a Speech/Language Therapist would be accepted upon the finding of a suitable replacement. The District and Ms. Ward made good faith efforts to locate a replacement. On August 1, 2007, Ms. Ward advised the District of her intent to breach her contract. On August 15, 2007, the District insisted that Ms. Ward honor her contract and advised her that this matter would be referred to the District's Board. On August 16, 2007, the District Board voted to report the Breach of Contract to the Department for suspension of Ms. Ward's certificate. On August 17, 2007, the District reported Ms. Ward's Breach of Contract to the Department. The District located a replacement speech/language therapist in late summer 2007, but the replacement speech/language therapist was not available until September 4, 2007. The District suffered a ten school day vacancy.

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suspend Ms. Ward's educator certificate #225042 for a period of 60 days, commencing December 5, 2007 and ending February 4, 2008.

#### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for unprofessional conduct S.C. Code Ann. § 59-25-150 (2004) and S.C. Code Ann. § 59-25-530 (2004). Failing to comply with the provisions of a contract without the written consent of the local school board is deemed to be unprofessional conduct. Upon formal complaint of the school board, substantiated by conclusive evidence, the State Board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year. State education agencies in other states with reciprocal certification agreements shall be notified of the revocation of the certificate. S.C. Code Ann. § 59-25-530 (2004); 24 S.C. Code Regs. 43-58.4 (1976) The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Ward breached her contract with Lexington School District Two, warranting the suspension of her educator certificate for a period of sixty days, commencing December 5, 2007 through February 4, 2008. It is therefore ordered that Elizabeth Ward's educator certificate is suspended for a period of sixty days, commencing December 5, 2007 through February 4, 2008.

#### **AND IT IS SO ORDERED.**

South Carolina State Board of Education

By:   
Al Simpson, Chair

Columbia, South Carolina  
February 13, 2008